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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA '07 MJ 8956

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.:
v.	COMPLAINT FOR VIOLATION OF
Manuel AGUIRRE-Sepulveda, Defendant.	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about December 1, 2007 within the Southern District of California, defendant Manuel AGUIRRE-Sepulveda, did knowingly and intentionally import approximately 68.96 kilograms (151.72 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

~~Stewart Harvey~~ Sara Galvan
Special Agent
U. S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF DECEMBER 2007.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Manuel AGUIRRE-Sepulveda

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Stewart Harvey.

On December 1, 2007, at approximately 1925 hours, Manuel AGUIRRE-Sepulveda entered the United States through the Calexico, CA West POE. AGUIRRE was the driver and sole occupant of a 1999 Ford Escort.

Primary Customs and Border Protection Officer (CBPO) Rodriguez received a negative Customs declaration from AGUIRRE. CBPO Rodriguez noticed AGUIRRE appeared to be nervous as he was sweating profusely, his hand was shaking as he presented his resident alien card and would stutter when answering routine questions. AGUIRRE stated he was headed home to Calexico and was returning from visiting his family in Mexico. During the vehicle inspection, CBPO Rodriguez noticed a discrepancy on the vehicle's floor. AGUIRRE and the vehicle were escorted to the secondary inspection area.

While at the vehicle secondary inspection lot, CBPO C. Gomez received a negative Customs declaration from AGUIRRE. During inspection CBPO Gomez noticed the floor appeared to be high. AGUIRRE was extremely shaky and avoided eye contact. A Narcotic Detector Dog alerted to the front driver's side rocker panel and the back seat rest.

Upon further inspection of the vehicle, CBPO Gomez discovered

Narcotic Detector Dog, which alerted to the front driver's side rocker panel and the back seat rest of the vehicle.

Upon further inspection of the vehicle, CBPO Gomez discovered twenty-nine (29) packages containing a green leafy substance, which field-tested positive for marijuana. A total of 68.96 kilograms (151.72 pounds) of marijuana were concealed in a non-factory floor compartment located within the vehicle.

AGUIRRE was advised of his rights per Miranda. AGUIRRE stated he understood his rights and was willing to answer questions without the presence of an attorney. AGUIRRE stated he was going to be paid $1,000.00 to smuggle marijuana into the United States. AGUIRRE stated he was instructed to drop off the vehicle at an unknown location in Calexico.